

TITLE 3—JUDICIARY

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CHAPTER 1—DISTRICT COURT

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Subchapter I—General Provisions

§ 1. Establishment and designation of district court

There shall be in the Canal Zone one district court, designated as the "United States District Court for the District of the Canal Zone."

§ 2. Divisions of district court

There shall be two divisions of the district court, one including Balboa and the other including Cristobal. The President shall determine the boundaries of the divisions.

§ 3. Terms of district court

Terms of the district court shall be held in the Balboa and Cristobal divisions at such times as the judge designates by rule or order.

§ 4. Seal of district court

(a) The district court shall have a seal, which shall be kept by the clerk of the court.

(b) Except as otherwise expressly provided by law, the seal of the district court need not be affixed to any paper or document in any proceeding therein, except to:

- (1) a writ or process;
- (2) a certificate of probate of a will or of the appointment of an executor, administrator, or guardian; or
- (3) an authentication of a copy of a record or other proceeding of the court, or of an officer thereof, or of a copy of a document on file in the office of the clerk.

§ 5. Appointment, tenure, compensation, leave, and residence of district judge

(a) The President shall, by and with the advice and consent of the Senate, appoint one district judge for the United States District Court for the District of the Canal Zone, who shall hold office for a term of eight years and until his successor is chosen and qualifies, unless sooner removed by the President for cause.

(b) The salary of the district judge shall be at the rate prescribed for judges of the United States district courts.

(c) The district judge shall be allowed 60 days' leave of absence with pay each year, under regulations prescribed by the President.

(d) The district judge shall reside within the Canal Zone.

§ 6. Special district judge

(a) The President may appoint a special district judge, to act when necessary:

(1) during the absence of the district judge from the Canal Zone; or

(2) during his disability or disqualification from sickness or otherwise to discharge his duties.

(b) The special district judge shall receive the same rate of compensation and the same traveling expenses and maintenance expenses as are paid to the district judge.

§ 7. Clerk of court

(a) The district court may appoint a clerk who shall be subject to removal by the court.

(b) The clerk may appoint, with the approval of the court, necessary deputies, clerical assistants and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts, subject to removal by the clerk with the approval of the court.

(c) The clerk shall receive, deposit, and account for all public moneys collected by him in accordance with the laws, rules, and regulations governing the receipt and disposition of moneys by clerks of United States district courts.

(d) The clerk shall reside within the Canal Zone.

§ 8. Clerk as registrar of property

The clerk of the district court is ex officio registrar of property in the Canal Zone. The deputy clerks shall have and exercise like powers in the name of the clerk. The clerk and his deputies shall have the duties of registrar so as to give constructive notice in all cases where provision is made for such notice by law. They shall keep proper books of record, which shall at all reasonable hours be open to the public.

§ 9. Court reporter; secretary to district judge

The court reporter appointed by the district court pursuant to section 753 of Title 28, United States Code, shall also act in a dual capacity as secretary to the district judge. The reporter-secretary shall receive the salary fixed by the Judicial Conference of the United States, which shall not be subject to the limits specified by subsection (e) of that section. In addition to his salary, he shall be entitled to retain the fees allowed by subsection (f) of that section. He shall be allowed leave of absence with pay in accordance with the regulations governing leave of absence of Canal Zone Government employees.

§ 10. Public defender

The Governor shall appoint a qualified member of the bar of the Canal Zone as a public defender. The public defender shall receive such compensation and such of the privileges of a Canal Zone Government employee as are fixed and granted by the Governor.

The public defender shall represent, in the district court, any person charged with the commission of a crime within the original jurisdiction of the district court who is unable to obtain counsel for his defense, unless, in an exceptional case, the court assigns other counsel.

Subchapter II—United States Attorney and Marshal

§ 41. Appointment, tenure, leave, and residence of United States attorney

(a) The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the District of the Canal Zone, who shall hold office for a term of eight years and until his successor is chosen and qualifies, unless sooner removed by the President.

(b) In case of a vacancy in the office of United States attorney, the district court may appoint a person to exercise the duties of the vacant office until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court.

(c) The United States attorney shall be allowed 60 days' leave of absence with pay each year, under regulations prescribed by the President.

(d) The United States attorney shall reside within the Canal Zone.

§ 42. Assistant United States attorneys; attorneys; clerical assistants; messengers

Sections 502, 503, and 510 of Title 28, United States Code, apply to the office of the United States attorney for the District of the Canal Zone. The assistant United States attorneys shall reside within the Canal Zone.

§ 43. Salaries

The salaries of the United States attorney, assistant United States attorneys, and attorneys appointed pursuant to section 503 of Title 28, United States Code, are subject to section 508 of Title 28, United States Code.

§ 44. Duties of United States attorney

(a) The United States attorney shall:

(1) conduct all legal proceedings, civil and criminal, for the Government of the United States and for the Government of the Canal Zone;

(2) prosecute all recognizances forfeited and all cases for the recovery of fines, penalties, debts, and forfeitures accruing to the Government of the United States, the Government of the Canal Zone, or the Canal Zone Government; and

(3) advise the Governor, upon request of the latter, on matters pertaining to the office of the Governor.

(b) During the absence or disability of the United States attorney or during a vacancy in his office, a reference in this Code to the United States attorney includes an assistant United States attorney.

§ 45. Appointment, tenure, leave, and residence of United States marshal; deputies and assistants; salaries

(a) The President shall, by and with the advice and consent of the Senate, appoint a United States marshal for the District of the Canal Zone, who shall hold office for a term of eight years and until his successor is chosen and qualifies, unless sooner removed by the President.

(b) In case of a vacancy in the office of United States marshal, the district court may appoint a person to exercise the duties of the vacant office until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court.

(c) The United States marshal shall be allowed 60 days' leave of absence with pay each year, under regulations prescribed by the President.

(d) The United States marshal shall reside within the Canal Zone.

(e) The appointment and tenure of deputies and clerical assistants and the salaries of the United States marshal and his deputies and clerical assistants are subject to sections 542 and 552 of Title 28, United States Code.

§ 46. Powers and duties of United States marshal; supervision by Attorney General

(a) The United States marshal shall be the marshal of the district court and may, in its discretion, be required to attend any session of the court.

(b) The marshal shall execute all lawful writs, process, and orders issued under authority of the United States or of the Government of the Canal Zone, except:

(1) those returnable to the magistrates' courts; or

(2) those issued pursuant to section 1101 of Title 2—

and he shall command all necessary assistance to execute his duties.

(c) The Attorney General shall supervise and direct the marshal in the performance of public duties and accounting for public moneys. The marshal shall report his official proceedings, receipts and disbursements, and the condition of his office as the Attorney General directs.

§ 47. Fees of United States marshal

The United States marshal shall receive, deposit, and account for all public moneys collected by him in accordance with the laws, rules, and regulations governing the receipt and disposition of moneys by United States marshals of judicial districts of the United States.

CHAPTER 3—MAGISTRATES' COURTS

Sec.

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82. Appointment, term, and compensation of magistrates, constables, and other employees.

83. Authority of one magistrate to act for another.

84. Oaths of magistrates and constables.

85. Depositing records with successor.

86. Administrative regulations governing magistrates' courts.

§ 81. Establishment of magistrates' courts

There shall be at least one magistrate's court in each subdivision established pursuant to section 3 of Title 2.

§ 82. Appointment, term, and compensation of magistrates, constables, and other employees

(a) The President or his designee shall appoint a sufficient number of magistrates, who shall hold office for terms of four years and until their successors are chosen and qualify, unless sooner removed for cause. The President or his designee may appoint relief magistrates, or may assign a magistrate to another magistrate's court, to act when necessary:

(1) during the absence of a magistrate from the Canal Zone;

(2) during any period of disability or disqualification of a magistrate from sickness or otherwise to discharge his duties; or

(3) for a temporary period only, during the existence of a vacancy in a magistrate's court.

(b) The Governor shall appoint a sufficient number of constables and other employees necessary to conduct the business of the magistrates' courts. Section 101 of Title 2 applies to appointments under this subsection and to the fixing of compensation and the establishment of conditions of employment for magistrates, constables, and other employees of the magistrates' courts. The constables shall perform such clerical and other duties as the magistrates prescribe.

(c) Only citizens of the United States may be appointed magistrates or constables. Magistrates and constables shall reside within the Canal Zone.

§ 83. Authority of one magistrate to act for another

Upon request of a magistrate who is unable to act in any proceeding because of sickness, disability, disqualification, absence, or other cause, another magistrate may act for him. In such cases the proper entry of the proceedings of the magistrate so acting shall be made in the docket of the magistrate for whom he acts. If the inability to act ceases while the proceedings are pending, the magistrate who made the request may resume jurisdiction.

§ 84. Oaths of magistrates and constables

Before assuming office, magistrates and constables shall take and subscribe an oath of office to the effect that they will faithfully and impartially discharge the duties of their respective offices.

§ 85. Depositing records with successor

Upon the expiration of their terms of office, magistrates shall deposit with their successors their official dockets and the papers filed in their offices, and any others which may be in their custody to be kept as records.

§ 86. Administrative regulations governing magistrates' courts

The President shall prescribe regulations governing the administration of magistrates' courts and prescribing:

- (1) the duties of magistrates and constables;
- (2) oaths and bonds;
- (3) the times and places of holding magistrates' courts; and
- (4) the disposition of fines, costs and forfeitures.

CHAPTER 5—JURISDICTION AND VENUE

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232. Change of venue in criminal actions in magistrates' courts.

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Subchapter I—General Provisions

§ 121. Actions between nonresidents

A civil action or special proceeding may not be brought in the courts of the Canal Zone where all the parties are nonresidents of the Canal Zone, unless the claim for relief or cause of action is one which arose within the territorial limits of the Canal Zone, or one of the parties proceeded against has property within the territorial limits subject to attachment or execution, or is engaged in business or is employed within the territorial limits.

Subchapter II—Jurisdiction of District Court

§ 141. General jurisdiction of district court

The district court has jurisdiction of all:

- (1) civil and criminal actions, except those within the original jurisdiction of the magistrates' courts;
- (2) cases in admiralty;
- (3) appeals from the magistrates' courts;
- (4) actions and proceedings involving laws of the United States applicable to the Canal Zone; and
- (5) other matters and proceedings wherein jurisdiction is conferred by this Code or any other law.

§ 142. Admiralty jurisdiction

The jurisdiction in admiralty conferred upon the district court and the district judge is the same as is exercised by the United States district courts and the United States district judges.

§ 143. Jurisdiction of offenses committed within special maritime and territorial jurisdiction of United States

In addition to the jurisdiction specifically conferred on it by this Code and other laws, the district court has jurisdiction of offenses under the criminal laws of the United States when such offenses are committed beyond the territorial limits of the Canal Zone but within the special maritime and territorial jurisdiction of the United States as defined by section 7 of Title 18, United States Code, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense.

This section does not deprive the United States district courts of any jurisdiction now provided by law.

Subchapter III—Jurisdiction of Magistrates' Courts

§ 171. General jurisdiction of magistrates' courts

The magistrates' courts have exclusive original jurisdiction coextensive with the subdivision in which each is situated of all:

- (1) civil actions in which the principal sum claimed does not exceed \$500;
- (2) criminal actions wherein the punishment which may be imposed does not exceed a fine of \$100, or imprisonment in jail for 30 days, or both;
- (3) criminal actions under section 1692 of Title 6 for reckless driving, where bodily injury to a person is not involved, and under section 1693 of Title 6 for driving while intoxicated; and
- (4) actions involving the forcible entry and detainer of real estate.

§ 172. Preliminary examinations

The magistrates' courts have jurisdiction to hold preliminary examinations in charges of crime within the original jurisdiction of the district court, to commit offenders to the district court, and to grant bail inailable cases.

Subchapter IV—Venue of Civil Actions

§ 201. Venue of district court civil actions

(a) Except as otherwise provided by law, all civil actions in the district court may be brought in the division where the defendant or necessary party defendant resides or is found, or in the division where the plaintiff or one of the plaintiffs resides, at the election of the plaintiff.

(b) If neither the plaintiff nor the defendant resides within the Canal Zone, and the action is brought to seize or obtain title to property of the defendant within the Canal Zone, the action shall be brought in the division where the property is situated or is found.

(c) Actions against executors, administrators, and guardians touching the performance of their official duties, and actions for account and settlement by them, and actions for the distribution of the estates of deceased persons among the heirs and distributees, and actions for the payment of legacies, shall be brought in the division in which the will was admitted to probate, or letters of administration were granted, or the guardian was appointed.

(d) Actions to obtain possession of real property, or to recover damages for injuries to real property, or to establish an interest or right in or to real property shall be brought in the division where the property, or some part thereof, is situated.

§ 202. Transmittal of record upon change of venue

When a change of venue from one division of the district court to the other division thereof has been ordered by the court pursuant to section 1404 or 1406 of Title 28, United States Code, the clerk shall immediately make out a true transcript of all docket entries made in the action, and certify thereto under his official seal, and transmit the transcript with all the papers in the action to the other division, and the case shall be tried therein as if it had been instituted there originally.

§ 203. Venue of civil actions in magistrates' courts

Actions in magistrates' courts must be commenced and, subject to the right to change the place of trial as provided in this subchapter, must be tried:

(1) when two or more persons are jointly, or jointly and severally, bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different subdivisions—in either subdivision:

(2) in cases of injury to the person or property—in the subdivision where the injury was committed, or where the defendant resides:

(3) if for the recovery of personal property, or the value thereof, or damages for taking or detaining the same—in the subdivision in which the property may be found, or in which the property was taken, or in which the defendant resides;

(4) when neither plaintiff nor defendant resides within the Canal Zone, and the action is brought to seize or obtain title to property of the defendant within the Canal Zone—in the subdivision where the property is situated or found;

(5) when the defendant is a nonresident of the Canal Zone—in either subdivision;

(6) when a person has contracted to perform an obligation at a particular place, and resides in the other subdivision—in the subdivision in which the obligation is to be performed, or in which he resides; and the subdivision in which the obligation is incurred is deemed to be the subdivision in which it is to be performed, unless there is a special contract in writing to the contrary;

(7) when the parties voluntarily appear and plead without summons—in either subdivision;

(8) in all other cases—in the subdivision in which the defendant resides.

§ 204. Change of venue in magistrates' courts

(a) At any time a magistrate may change the place of trial in a civil action to another magistrate's court if:

(1) he is disqualified from acting for any cause;

(2) the action is brought in the wrong subdivision; or

(3) in his opinion, the transfer is necessary in the interest of justice.

(b) After an order has been made, transferring the action for trial to another magistrate's court:

(1) the magistrate ordering the transfer shall immediately transmit to the magistrate of the court to which it is transferred, on payment by the party applying of all the costs that have accrued, all the papers in the action, together with a certified transcript from his docket of the proceedings therein;

(2) upon the receipt by him of the papers, the magistrate to whom the case is transferred has thereafter the same jurisdiction over the action as though it had been commenced in his court.

(c) In lieu of changing the place of trial under this section, a magistrate who is disqualified may request another magistrate to act for him as provided by section 83 of this title.

Subchapter V—Venue of Criminal Actions

§ 231. Venue of offenses in magistrates' courts

The jurisdiction of an offense triable in the magistrates' courts is in the subdivision where the offense was committed.

§ 232. Change of venue in criminal actions in magistrates' courts

(a) Upon motion of the defendant in a criminal action, or with the written consent of the defendant, a magistrate who is disqualified may transfer the proceeding to the other subdivision. In lieu of such a transfer, the magistrate may request another magistrate to act for him as provided by section 83 of this title.

(b) Upon motion of the defendant, a magistrate shall transfer the proceeding to the other subdivision if it appears that the offense was committed in both subdivisions and if the magistrate is satisfied that in the interest of justice the proceeding should be transferred to another subdivision.

(c) Upon motion of the prosecution and with the written consent of the defendant, a magistrate shall transfer the proceeding to another subdivision if it appears that such a transfer will be for the convenience of the prosecution and of the defendant.

(d) When a transfer is ordered the magistrate shall transmit to the magistrate of the subdivision to which the proceeding is transferred all papers in the proceeding or duplicates thereof and any bail taken, and the prosecution shall continue in that subdivision.

§ 233. Transfer of custody of defendant in district and magistrates' courts

If the defendant is in custody, an order of the district court or a magistrate for transfer of a criminal action shall direct his removal and he shall be forthwith removed by the jailer or warden where he is imprisoned to the custody of the jailer or warden of the division or subdivision to which the action is transferred.

CHAPTER 7—GENERAL PROVISIONS RESPECTING COURTS AND JUDICIAL OFFICERS

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- 277. Review of orders made out of court.
- 278. Proceedings in English language.
- 279. Means to carry jurisdiction into effect.

§ 271. Proceedings to be public; exceptions; impounding records in certain cases

(a) Except as otherwise provided by this subsection, section 1637 (b) of Title 5, and section 36 (c) of Title 8, the sittings of every court of justice shall be public. In an action for divorce or in a civil action for seduction the court may direct the trial of an issue of fact joined therein to be private, and may exclude all persons except the officers of the court, the parties, their witnesses, and counsel. Witnesses may be excluded in any action as provided by section 2683 of Title 5.

(b) Section 451 of Title 2 does not prevent a court from impounding its files and records in a case, or any part of them, and denying inspection of them to persons other than the parties in the case or the attorneys therein, whenever the court determines, in the exercise of a sound discretion, that justice or the public interest requires.

§ 272. Powers of courts in conduct of proceedings

Every court has power to:

- (1) preserve and enforce order in its immediate presence;
- (2) enforce order in the proceedings before it or a person empowered to conduct a judicial investigation under its authority;
- (3) provide for the orderly conduct of proceedings before it or its officers;
- (4) compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending therein;
- (5) control, in furtherance of justice, the conduct of its ministerial officers and all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto;
- (6) compel the attendance of persons to testify in an action or proceeding pending therein, in the cases and manner provided by law;
- (7) administer oaths in an action or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers and duties; and
- (8) amend and control its process and orders so as to make them conformable to law and justice.

§ 273. Powers of judicial officers in conduct of proceedings

Every judicial officer has the power to:

- (1) preserve and enforce order in his immediate presence, and in proceedings before him, when he is engaged in the performance of official duty;
- (2) compel obedience to his lawful orders;
- (3) compel the attendance of persons to testify in a proceeding before him, in the cases and manner provided by law;
- (4) administer oaths to persons in a proceeding pending before him, and in all other cases where it may be necessary in the exercise of his powers and duties.

§ 274. Powers of judicial officers to punish for contempt

For the effectual exercise of the powers conferred by section 273 of this title, a judicial officer may punish for contempt in the cases provided by law.

§ 275. Disqualification of judge or magistrates

(a) The disqualification of the district judge and magistrates for bias or prejudice or interest are governed by sections 144 and 455 of Title 28, United States Code, except that an affidavit pursuant to section 144 thereof shall be filed at least one day before the day set for trial of the action, or good cause shall be shown for failure to file it within that time.

(b) If the district judge is disqualified, the special district judge shall act for him as provided by section 6 of this title.

(c) If a magistrate is disqualified, another magistrate shall act for him as provided by section 83 of this title, or the action shall be transferred to another subdivision as provided by section 204 of this title in a civil action or section 232 of this title in a criminal action.

§ 276. Practice of law by partner of judge or magistrate

A judge or magistrate may not have a partner acting as attorney or counsel in any court of the Canal Zone.

§ 277. Review of orders made out of court

An order made out of court, without notice to the adverse party, may be vacated or modified, without notice, by the judge who made it; or may be vacated or modified on notice, in the manner in which other motions are made.

§ 278. Proceedings in English language

Every proceeding in a court of justice in the Canal Zone shall be conducted and preserved in the English language.

§ 279. Means to carry jurisdiction into effect

When jurisdiction is conferred on a court or judicial officer by this Code or by any other statute, all the means necessary to carry it into effect are also given. In the exercise of this jurisdiction, if the course of proceeding is not specifically prescribed by this Code, by the statute, or by applicable rule of the Supreme Court of the United States or other governing rule, any suitable process or mode of proceeding may be adopted, by rule or by a ruling in the particular case, which appears most conformable to the spirit of this Code and in the furtherance of justice.

CHAPTER 9—FEES AND COSTS

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Subchapter I—Fees and Costs Generally

§ 321. Each party responsible for his costs; advance payment of fees

Each party to a civil action instituted in the district court or a magistrate's court shall be responsible for the costs incurred by him in the action. The marshal, constable, or other officer authorized to execute any process in civil actions, may not execute the same until the fees allowed by law for the service of the process are paid by the party seeking the process, unless the party is entitled to prosecute the action in forma pauperis, as provided by section 322 of this title.

§ 322. Proceedings in forma pauperis

A person entitled to commence an action in a court in the Canal Zone may commence and prosecute or defend it to conclusion without being required to prepay fees or costs or give security therefor, before or after bringing the action, upon filing in the court a statement, under oath, in writing, that because of his poverty he is unable to pay the costs of the action, or to give security for costs, and that he believes that he is entitled to the redress he seeks by the action, and setting forth the nature of the cause of action.

The opposing party in the action, the clerk of the district court, or his deputy, or the magistrate, as the case may be, may contest the inability of the party to pay costs or his inability to furnish security for costs; and the contest shall be heard at such time as the court or magistrate determines.

If a contest is not made upon the affidavit, or if it is admitted by the court or magistrate after the contest, the officers of the court thereafter shall issue and serve all processes and perform all duties on behalf of the party as in other cases.

§ 323. Governmental exemption from fees

The United States, any agency thereof, or any officer thereof who sues or is sued in his official capacity, is liable for fees for the bringing or defending of an action only when the liability is expressly provided for by Act of Congress.

Subchapter II—Fees

§ 341. Collection and disposition of fees generally

(a) The clerk of the district court, commissioners appointed by the district court, the United States marshal, magistrates, constables, other officers referred to by this chapter, and their assistants and deputies, may demand and receive only the fees prescribed by law.

(b) All fees collected by officers drawing a salary or compensation from the Government, other than fees collected by the clerk of the district court, the United States marshal, and the district court reporter, shall be paid over to the Canal Zone Government.

§ 342. Fees of clerk of district court in civil actions

(a) Upon the filing of the complaint in a civil action in the district court, the plaintiff shall deposit with the clerk of the district court the following docket fee:

- (1) civil action generally----- \$8. 00
- (2) habeas corpus, certiorari, prohibition, or other special proceeding, except a probate or guardianship proceeding----- 3. 00

(b) Upon the filing of a motion to intervene, an intervener shall deposit \$5.

(c) The fees deposited under this section are full compensation for all services of the clerk in the action, except fees for furnishing copies of papers and records, and commissions for care of funds deposited in the registry of the court as provided by section 415 of Title 5.

§ 343. Fees of clerk of district court in probate and guardianship matters

(a) The fees for the services of the clerk of the district court in probate and guardianship matters shall be computed according to the value of the estate as follows:

- (1) not over \$1,000----- \$5. 00
- (2) over \$1,000 and not over \$5,000----- 10. 00
- (3) over \$5,000 and not over \$10,000----- 15. 00
- (4) over \$10,000----- 25. 00

(b) The fees provided by this section are full compensation for all services of the clerk in the proceedings, except fees for furnishing copies of papers or records.

(c) Where the estate is small and the circumstances warrant, the judge of the district court may waive the payment of any fee to the clerk for services in the proceedings.

§ 344. Other fees of clerk of district court

The clerk of the district court shall collect the following fees:

- (1) certified copy of any paper, record, decree, judgment, or entry, for each page of 250 words or fraction thereof,
 - (A) first copy----- \$0. 65
 - (B) carbon copy----- . 30
- (2) copy of records for transmission to United States Court of Appeals, for each page of 250 words or fraction thereof... . 65
- (3) photographic reproduction and certification of any record or paper, per page----- . 50

(4) certification of copy of marriage certificate.....	\$1.00
(5) searching records and giving certificate thereto of any fact or facts contained therein.....	.50
(6) taking acknowledgments, each.....	.50
(7) administering oaths, each.....	.25
(8) recording powers of attorney, deeds, and other instruments where fee is not specified by another statute, for each page of 100 words or fraction thereof, with minimum charge of \$1.00 for each instrument.....	.25

§ 345. Fees of marshal and other persons serving district court process

The United States marshal and other persons serving process of the district court shall collect the following fees:

- (1) executing process, preliminary and final judgments, and decrees of any court, for each mile of travel in the service of process going one way, reckoned from the place of service to the place to which the process is returnable, 10 cents;
- (2) serving an attachment against the property of the defendant, \$1, together with a reasonable allowance to be made by the court for any expenses necessarily incurred in caring for the property attached;
- (3) arresting each defendant in a civil action, 50 cents;
- (4) serving summons and copy of complaint for each defendant, \$1; but in special proceedings, testamentary or administrative, where several members of a family residing at the same place are defendants, for each defendant, 50 cents;
- (5) serving subpoenas, for each witness served, 50 cents plus travel fees;
- (6) each copy of any process necessarily deposited in the office of registrar of property, 10 cents for each one hundred words, but not less than 50 cents in each case;
- (7) taking bonds or other instruments of indemnity or security, 25 cents each;
- (8) executing a writ of process to put a person in possession of real estate, \$1;
- (9) attending with prisoner on habeas corpus trial, for each day, \$1;
- (10) transporting each prisoner on habeas corpus or otherwise, when required, for every mile going and returning, 10 cents;
- (11) advertising sale, \$2 plus printer's charge;
- (12) taking inventory of goods levied upon, to be charged only when the inventory is necessary, a sum fixed by the court not exceeding the actual reasonable cost of the same to be shown by vouchers;
- (13) levying an execution on property, \$2;
- (14) on all money collected by him by order of a decree, execution, attachment, or any other process, the following sums:
 - (A) on the first \$100 or less, 2%;
 - (B) on the second \$100, 1½%;
 - (C) on all sums between \$200 and \$1,000, 1%; and
 - (D) on all sums in excess of \$1,000, ½%;
- (15) services in a criminal case except for the summoning of witnesses, a sum to be fixed by the court not exceeding \$25 where conviction is for a misdemeanor, and not exceeding \$100 where conviction is for a felony.

§ 346. Fees for attempts to serve process

The following fees shall be charged for return on and mileage in attempts to serve process, or any order, judgment, or decree of the district court in civil cases:

- (1) for each return, \$1;
- (2) for mileage going one way in attempting to serve or execute any process, order, judgment, or decree of the court, for each mile traveled one way, 10 cents.

§ 347. Fees of magistrates' courts in civil actions

(a) At the time of commencing a civil action in a magistrate's court, the plaintiff shall deposit a fee of \$5. An intervener therein shall deposit at the time of appearance a fee of \$3.

(b) The fees deposited under this section are full compensation for all services of the magistrate's court in the action, including the services of the magistrate and constable in filing of the complaint, service of process, and execution, except fees for furnishing copies of papers or records.

§ 348. Other fees of magistrates

(a) In addition to the fees prescribed by section 347 of this title, magistrates shall collect the following fees:

- (1) administering oath upon an affidavit or other paper with certificate of oath, 25 cents;
- (2) appeal, with proceedings taking bond, making and forwarding transcript of record, \$1;
- (3) each certificate not otherwise provided for, 25 cents;
- (4) writing and certifying deposition, including the administration of oath to the witness, 65 cents per page of 250 words or fraction thereof for services of the reporter, and 25 cents per page for supervision and certification thereof by the magistrate;
- (5) certified copies of a record of proceeding of which a person is entitled to receive a copy, 65 cents per page of 250 words or fraction thereof, and 30 cents per page for carbon copies.

(b) Upon receiving payment of fees allowed to him by law, a magistrate shall render to the person or persons so paying an itemized account thereof.

§ 349. Fees on appeals from magistrates' courts to district court

An appeal taken from a judgment rendered in a magistrate's court in a civil action is not effectual for any purpose unless, at the time of filing the notice of appeal, the appellant pays to the magistrate, in addition to the fee payable to the magistrate on appeal, a docket fee of \$5 for filing the appeal and for placing the action on the calendar in the district court. Upon transmitting the papers on appeal, the magistrate shall transmit to the clerk of the district court the sum thus deposited for filing the appeal in the district court and for placing the action on the calendar. A notice of appeal may not be filed until the fees are paid as required by this section.

§ 350. Jury fee

A party who demands a trial by jury in a civil action in the district court shall accompany the demand with a deposit of \$10 as a jury fee. Unless the deposit is made, the case shall be tried without the intervention of a jury.

§ 351. Fees fixed by rules of court

If it appears that services are required of clerks of court, marshals, magistrates, constables, or officers of a court, other than those for which specific fees are provided in this chapter, the district court shall by general rules provide for a scale of fees for those services proportionate to the fees provided in this chapter for similar services.

Subchapter III—Costs

§ 371. Costs allowed in district court

In the district court, the party entitled to costs may recover the following costs and no others:

- (1) for each witness necessarily produced by him, for each day's necessary attendance of the witness at the trial, the witness' lawful fees;
- (2) for each deposition lawfully taken by him, and produced in evidence, the actual cost of taking the deposition, but not to exceed \$20;
- (3) for original papers produced by him, nothing;
- (4) for official copies of such papers, the lawful fees necessarily paid for obtaining the copies; and
- (5) the lawful fees paid by him for the service of process in the action, and all lawful clerk's fees paid by him.

§ 372. Taxation of costs in district court

(a) A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

(b) Before a bill of costs is taxed, the party claiming an item of cost shall attach thereto an affidavit, made by himself or by his authorized attorney or agent having knowledge of the facts, that the item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

§ 373. Party entitled to costs in magistrate's court

In a magistrate's court, costs shall ordinarily be allowed to the prevailing party as a matter of course, but for special reasons the court may adjudge that either party shall pay the costs of an action, or that the costs be divided as may be equitable.

§ 374. Costs allowed in magistrate's court

In a magistrate's court, the party entitled to costs may recover the following costs, and no others:

- (1) for each witness produced by him, for each day's necessary attendance at the trial, the witness' lawful fees;
- (2) for each deposition lawfully taken by him and produced in evidence, the actual cost of taking the deposition, but not to exceed \$20;
- (3) for original papers produced by him, nothing;
- (4) for official copies of such papers, the lawful fees necessary paid for obtaining the copies; and
- (5) the lawful fees paid by him for the services of the magistrate's court in the action.

§ 375. Taxation of costs in magistrate's court

(a) The magistrate may tax and include in the judgment the costs allowed by law to the prevailing party.

(b) The costs in a magistrate's court, if allowed, shall be taxed by the magistrate without the filing and service of a bill of costs as provided by section 372 of this title, and upon such information as the magistrate requires.

§ 376. Costs on continuance

When an application is made to a court or master to postpone a trial, the payment of costs occasioned by the postponement may be imposed, in the discretion of the court or master, as a condition of granting the same.

§ 377. Costs on dismissal for want of jurisdiction

If an action is dismissed for want of jurisdiction, courts nevertheless may render judgment for costs as justice may require.

§ 378. Costs in criminal actions in district court

(a) The costs in criminal actions shall be paid by the defendant in cases of appeal from a magistrate's court if the appeal is not prosecuted or if the appeal is prosecuted and the judgment of the magistrate is affirmed, and shall be paid in cases other than appeals from the magistrates' courts when a judgment of guilty is entered.

(b) The costs shall be taxed as follows:

- (1) fees for witnesses produced by the Government or the defense, as fixed by law;
- (2) for a deposition of a witness for the defendant, \$1;
- (3) for issuing a warrant of arrest, 25 cents;
- (4) for every adjournment of a trial on motion of the defendant, \$2;
- (5) for filing each paper required by law or pleading, 5 cents;
- (6) for furnishing copies to the defendant of pleadings except the information, 15 cents per folio;
- (7) for swearing each witness on trial, 10 cents;
- (8) for a subpoena, including all the names contained therein, 25 cents, and in no case may more than six subpoenas be allowed for;
- (9) for receiving and entering a judgment, 25 cents;
- (10) for warrant of commitment on sentence, 75 cents;
- (11) for record of conviction and filing the same, 75 cents;
- (12) for a return of any writ of certiorari, 25 cents; and
- (13) fee for services of the marshal as provided by item (15) of section 345 of this title.

Subchapter IV—Security for Costs

§ 391. Requirement of security for costs

(a) The plaintiff in a civil action or proceeding in the district court or in a magistrate's court may be required to give security for the costs upon motion of the opposing party or of an officer of the court interested in the costs accruing in the action or proceeding; and the court shall require the plaintiff to give security for costs within a reasonable time thereafter and not later than 10 days after the motion is presented to the court. If the plaintiff fails to comply with the order within the time prescribed by the court, the action or proceeding shall be dismissed.

(b) Magistrates may in all cases require a deposit of money or an undertaking, as security for costs of court, before issuing a summons.

§ 392. Form of security; new or additional undertaking

(a) The security for costs required by this subchapter may consist of a money deposit, bond of a surety company, or cost bond with two or more good and sufficient sureties. The form of the security shall be determined by the court before which the proceedings are pending. If personal security is furnished, the sureties must be residents of the Canal Zone, and an officer of the court or attorney practicing before the court may not be accepted as surety.

(b) Upon proof that the original undertaking is insufficient security, the court may order the giving of a new or additional undertaking within such time as the court prescribes. If the plaintiff fails to comply with the order within the time prescribed by the court, the proceedings shall be dismissed.

(c) All bonds given as security for costs shall authorize judgment against all of the obligors of the bonds, jointly and severally, for such costs, to be entered in the final judgment of the action or special proceeding.

§ 393. Governmental exemptions

Security for costs may not be required of the United States, an agency thereof, an officer thereof who sues in his official capacity, or the public administrator.

§ 394. Security by intervener or counterclaimant

This subchapter applies to an intervener. It also applies to a defendant who seeks a judgment against the plaintiff on a counterclaim, after the plaintiff has discontinued his action.

§ 395. Costs secured by attachment or other bond

When the costs are secured by the provisions of an attachment or other bond, filed by the party required to give satisfactory security for costs, further security may not be required.

CHAPTER 11—SURETY BONDS AND UNDERTAKINGS

Sec.

431. Undertakings or bonds; requisites.

432. Corporations as sureties.

433. Justification by corporate sureties.

434. Cash deposit in lieu of bond.

435. Copies of bonds.

436. Governmental exemption from bonds and undertakings.

437. Subrogation of surety to rights of judgment creditor.

438. Enforcement of liability of surety.

439. Attorneys as sureties.

§ 431. Undertakings or bonds; requisites

(a) When an undertaking or bond is authorized or required by a law of the Canal Zone, the officer taking it shall, except as provided by section 432 of this title, require the sureties to include with the undertaking an affidavit stating that each one is:

(1) a resident of the Canal Zone;

(2) worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution.

(b) When an undertaking or bond is in an amount exceeding \$2,000, the affidavit shall also state:

(1) the affiant's place of residence;

(2) a description sufficient for identification of property, real or personal, belonging to the affiant and relied upon by him as qualifying him on the bond or undertaking, and the nature of affiant's interest or estate therein;

(3) the affiant's best estimate of the actual cash value of each property;

(4) any charge or lien against the property, including the amount thereof, known to the affiant, whether of public record or not; and

(5) any other impediment or cloud known to the affiant on the free right of possession, use, benefit or enjoyment of the property.

(c) When the amount specified in the undertaking or bond exceeds \$3,000 and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that specified in the undertaking or bond, if the whole amount is equivalent to that of two sufficient sureties. A corporation covered by section 432 of this title may become sole surety in a bond.

(d) When an undertaking has been given and approved in an action or proceeding and it is thereafter made to appear to the satis-

faction of the court that any of its sureties is or has become insufficient, the court, upon notice, may order the giving of a new undertaking, with sufficient sureties, in lieu of the insufficient one. All rights obtained by the filing of the original undertaking shall immediately cease if:

- (1) the new undertaking is not given within the time required by the order; or
- (2) the sureties thereon fail to justify when required.

§ 432. Corporations as sureties

When an undertaking or bond, with any number of sureties, is authorized or required by a law of the Canal Zone, a corporation with a paid-up capital of not less than \$100,000, incorporated under the laws of a State of the United States for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law; or which, by the laws of the State where it was incorporated has that power; and which shall have complied with all the requirements of the law for the admission of corporations to transact that business in the Canal Zone, may become and shall be accepted as security or as sole and sufficient surety upon the undertaking or bond, and it shall be subject to all the liabilities and entitled to all the rights of natural person sureties.

§ 433. Justification by corporate sureties

(a) When the surety on a bond or undertaking authorized or required by a law of the Canal Zone is a foreign corporation, authorized to be a surety on bonds or undertakings in the Canal Zone, and exception is taken to its sufficiency as required by law, the corporate surety may justify on the bond or undertaking as provided in this section.

An agent, attorney in fact, or officer of the corporation shall submit to the court, judge, officer, board, or other person before whom the justification is to be made:

(1) the original, or a certified copy of the power of attorney, bylaws, or other instrument showing the authority to execute the bonds or undertakings of the person or persons who executed them;

(2) a certified copy of the certificate of authority showing that the corporation is authorized to transact business;

(3) a certificate from the executive secretary showing that the certificate of authority has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has been, that renewed authority to act under it has been granted;

(4) a financial statement verified under oath by the president, or a vice president and attested by the secretary or an assistant secretary of the corporation, showing the assets and liabilities of the corporation at the end of the quarter calendar year prior to the 45 days preceding the date of the execution of the bond or undertaking.

(b) The justification of the surety shall be complete and it shall be accepted as the sole and sufficient surety on the bond or undertaking if, upon complying with subsection (a) of this section, it appears that:

(1) the bond or undertaking was duly executed;

(2) the corporation is authorized to transact business in the Canal Zone; and

(3) its assets exceed its liabilities in an amount equal to, or in excess of the amount of the bond or undertaking.

§ 434. Cash deposit in lieu of bond

In proceedings in which a bond is required the clerk of the district court may accept a cash deposit in the sum of the bond. Where a

cash bond is given, the moneys or any part thereof may be withdrawn only upon order of the court.

§ 435. Copies of bonds

Bonds required in civil actions or proceedings, except bonds for arrest or appeal from inferior courts, shall be copied in full by the clerk in an appropriate book, and a copy, authenticated by him, shall have the force and effect of the original.

§ 436. Governmental exemption from bonds and undertakings

The United States, an agency thereof, or an officer thereof in his official capacity, as a party plaintiff or defendant to a civil action or proceeding, may not be required to give a bond, written undertaking, or security; and on complying with the other provisions of this Code, has the same rights, remedies, and benefits as if the bond, undertaking, or security, had been given or approved.

§ 437. Subrogation of surety to rights of judgment creditor

When a surety on an undertaking on appeal, executed to stay proceedings upon a money judgment, pays the judgment, either with or without action, after its affirmance by the appellate court, he is substituted to the rights of the judgment creditor, and is entitled to control, enforce, and satisfy the judgment, in all respects as if he had recovered the same.

§ 438. Enforcement of liability of surety

A surety upon a bond or undertaking given in a civil action or special proceeding in the district court submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice as the court prescribes may be served on the clerk of the court who shall forthwith mail copies to the surety if his address is known.

§ 439. Attorneys as sureties

Attorneys may not be accepted as sureties upon bonds or recognizances required to be filed in court.

CHAPTER 13—JURORS

Sec.

471. Selection, summoning and service of jurors.

472. Compensation of jurors.

§ 471. Selection, summoning and service of jurors

The district court shall provide for the selection, summoning and serving of jurors from among the citizens of the United States subject to jury duty to serve in the division of the district in which the jurors reside.

§ 472. Compensation of jurors

(a) Jurors who are employed by the United States or an agency or instrumentality thereof in the Canal Zone shall receive their full pay for the time spent attending court and shall not receive compensation from the court for their attendance as jurors. Their periods of service as jurors may not be deducted from the time allowed for any leave of absence authorized by law.

(b) Jurors who are not employed as provided by subsection (a) of this section shall be allowed a jury fee of \$7 per diem during the time of their attendance.

CHAPTER 15—PROBATION OFFICER

Sec.

511. Appointment of probation officer and deputies.

512. Duties of probation officer.

513. Arrest of probationer or parolee.

§ 511. Appointment of probation officer and deputies

(a) The Governor shall appoint a qualified person to serve as probation officer of the district court and the magistrates' courts, and may appoint as many deputy probation officers as he deems necessary. The probation officer and deputies shall also serve as parole officer and deputy parole officers, respectively, and, when so serving, shall be referred to by those designations. The probation officer and deputies shall serve at the pleasure of the Governor, and the deputies shall be under the immediate direction and control of the probation officer.

(b) If the Governor deems it necessary, he may appoint a qualified person, who may be an officer or employee of the Canal Zone Government assigned for the purpose, to act as probation officer or deputy probation officer, whenever the probation officer or deputy probation officer is unable to perform his duties because of temporary disability or absence.

(c) Section 101 of Title 2 applies to the fixing of compensation and establishment of conditions of employment of the probation officer and deputies, and acting probation officer.

§ 512. Duties of probation officer

The probation officer shall:

(1) furnish to each probationer under his supervision a written statement of the conditions of probation, and instruct him regarding them;

(2) keep informed concerning the conduct and condition of each probationer under his supervision and report thereon to the proper court;

(3) use all suitable methods, not inconsistent with the conditions imposed by the court, to aid probationers and to bring about improvements in their conduct and condition;

(4) keep records of his work;

(5) keep accurate and complete accounts of all moneys collected from persons under his supervision, and give receipts for the moneys so collected and make at least monthly returns thereof to the proper court;

(6) make such reports to the courts as they may at any time require;

(7) make pre-sentence investigations when directed by the courts concerned;

(8) perform such duties with respect to parole as the Governor directs;

(9) perform such duties with respect to unofficial probation as the United States attorney directs; and

(10) perform such other duties as the Governor or the Judge of the district court directs.

§ 513. Arrest of probationer or parolee

Within the probation or parole period, the probation officer may for cause arrest the probationer or parolee wherever found, without a warrant.

CHAPTER 17—ATTORNEYS AT LAW

SUBCHAPTER I—ADMISSION, REMOVAL, AND SUSPENSION OF ATTORNEYS

Sec.

- 541. Admission to practice.
- 542. Certificate of admission.
- 543. Oath.
- 544. Roll of attorneys.
- 545. Grounds for removal, suspension or discipline.
- 546. Proceedings for removal, suspension or discipline generally.
- 547. Accusation.
- 548. Service on accused; citation by publication.
- 549. Appearance.
- 550. Answer.
- 551. Trial.
- 552. Reference to take depositions.
- 553. Judgment.
- 554. Disqualified attorney as plaintiff.
- 555. Reinstatement of suspended or disbarred attorneys.

SUBCHAPTER II—POWERS AND DUTIES OF ATTORNEYS

- 571. Who may conduct litigation.
- 572. Duties generally.
- 573. Authority.
- 574. Change of attorney; consent; contingent fee cases.
- 575. Notice of change.
- 576. Death or removal of attorney.
- 577. Reasonable compensation; contract for services.

Subchapter I—Admission, Removal, and Suspension of Attorneys

§ 541. Admission to practice

(a) The following persons may, on motion in open court, be admitted by the district judge to practice as an attorney of the district court:

(1) a person who is admitted to practice in the Supreme Court of the United States, or in the highest court of a State of the United States;

(2) a person who is admitted to practice in the highest court of a foreign country the jurisprudence of which is based upon the principles of the English common law, if, in the case provided by this paragraph:

(A) the education requirements for practice in the foreign country are a Bachelor of Laws degree, or equivalent, granted for successful passage of at least a three-year law course in residence;

(B) the law school from which the person received the degree is a law school acceptable to the district judge for the purposes of this subsection; and

(C) the person has practiced law for at least three years within the period of five years immediately prior to making application in the Canal Zone.

(b) A person may be admitted by the district judge to practice as an attorney of the district court upon satisfactorily passing an examination in the law to be prescribed and conducted by the district judge or by a committee of the bar appointed by him for that purpose, if the applicant shall establish that he has attained the age of 21 years and that he has received a Bachelor of Laws degree, or equivalent, granted for the successful passage of at least a three-year law course, in residence, by a law school acceptable to the district judge for the purposes of this subsection, either in a:

(1) State of the United States; or

(2) foreign country the jurisprudence of which is based on the English common law; or

(3) foreign country the jurisprudence of which is not based upon the English common law, if, in the case provided in this paragraph, the applicant establishes that:

(A) he is admitted to practice in the highest court of either the country in which he received the degree or the country of which he is a citizen or subject; and

(B) subsequent to the receipt of the degree, he has satisfactorily completed at least one year's study, in residence, including a suitable schedule of instruction in practice and procedure, in an acceptable law school in the United States, or has studied law for a period of two years in the office of an attorney having an active practice in the Canal Zone.

(c) An applicant under this section shall establish that he is a person of good moral character, that he is a resident of the Isthmus of Panama, and that it is his good faith intention to engage in the actual and present practice of law before the courts of the Canal Zone if admitted to the bar.

(d) The district court may prescribe and from time to time amend such rules as it deems necessary or desirable governing the qualifications of candidates, the form and content of applications, and the procedures governing applications, examinations, and admissions, subject to the requirements of this chapter. An applicant for admission shall upon the filing of his application pay to the clerk of court a fee of \$15. The fee shall be accounted for by the clerk as miscellaneous receipts.

§ 542. Certificate of admission

Upon admission of an applicant to the bar, the district court shall direct that an order be entered to that effect upon its records, and that a certificate of admission be given to him by the clerk of the court, which certificate shall be his license.

§ 543. Oath

Before receiving a certificate the applicant shall take and subscribe in court the following oath:

"I, _____ recognize and accept the supreme authority of the United States of America in the Canal Zone, and I do swear that I will obey the existing laws which rule in the Canal Zone, as well as the legal orders and decrees of the duly constituted authorities therein; that I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion.

"I do solemnly swear that I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, nor give aid nor consent to the same; I will delay no man for money or malice, but will conduct myself in the office of a lawyer within the courts according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients. So help me God.⁵

§ 544. Roll of attorneys

The clerk of the district court shall keep a roll of attorneys admitted to practice, signed by the persons admitted before they receive their licenses.

§ 545. Grounds for removal, suspension or discipline

An attorney may be removed, suspended or otherwise disciplined by the district court for any of the following causes arising after his admission to practice:

(1) conviction of a crime involving moral turpitude, in which case the record of conviction is conclusive evidence;

(2) willful disobedience or violation of an order of the district court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and violation of the oath taken by him, or of his duties as attorney;

(3) corruptly or willfully and without authority appearing as attorney for a party to an action or proceeding;

(4) lending his name to be used as attorney by another person who is not an attorney;

(5) commission of any act involving moral turpitude, dishonesty, or corruption, whether committed in the course of his relations as an attorney or otherwise, and whether or not it constitutes a crime; and if the act constitutes a crime, conviction thereof in a criminal proceeding is not a condition precedent to disbarment or suspension from practice therefor.

§ 546. Proceedings for removal, suspension or discipline generally

The proceedings to remove or suspend an attorney pursuant to section 545(1) of this title shall be taken by the district court on the receipt of a certified copy of the record of conviction. The proceedings pursuant to any other paragraph of section 545 of this title may be taken by the court for the matters within its knowledge, or may be taken upon the information of another.

§ 547. Accusation

If the proceedings are upon the information of another, the accusation shall be in writing and shall state the matters charged, verified by the oath of some person to the effect that the charges therein contained are true. The verification may be made upon information and belief when the accusation is presented by an organized bar association.

§ 548. Service on accused; citation by publication

(a) Upon receiving the accusation, the district court shall make an order requiring the accused to appear and answer it at a specified time, and shall cause a copy of the order and of the accusation to be served upon the accused at least five days before the day appointed in the order.

(b) The court may direct the service of a citation to the accused, requiring him to appear and answer the accusation, to be made by publication for 30 days in a newspaper of general circulation in the Canal Zone, if it appears by affidavit to the satisfaction of the court that the accused:

- (1) resides out of the Canal Zone;
- (2) has departed from the Canal Zone;
- (3) can not, after diligence, be found within the Canal Zone;

or

- (4) conceals himself to avoid the service of the order to show cause.

(c) The citation shall be directed to the accused, recite the date of the filing of the accusation, the name of the accuser, and the general nature of the charges against him, and require him to appear and answer the accusation at a specified time.

(d) On proof of the publication of the citation as required by this section, the court has jurisdiction to proceed to hear the accusation and render judgment with like effect as if an order to show cause and a copy of the accusation had been personally served on the accused.

§ 549. Appearance

The accused shall appear at the time appointed in the order, and answer the accusation, unless, for sufficient cause, the court assigns another day for that purpose. If he does not appear, the court may proceed and determine the accusation in his absence.

§ 550. Answer

The accused may answer to the accusation either by objecting to its sufficiency or by denying it.

If he objects to the sufficiency of the accusation, the objection must be in writing, but need not be in any specific form. It is sufficient if it presents intelligibly the grounds of the objection.

If he denies the accusation, the denial may be oral and without oath, and shall be entered upon the minutes.

If an objection to the sufficiency of the accusation is not sustained, the accused shall answer within the time designated by the court.

§ 551. Trial

If the accused pleads guilty, or refuses to answer the accusation, the court shall proceed to judgment.

If he denies the matters charged, the court shall, at such time as it appoints, proceed to try the accusation.

§ 552. Reference to take depositions

The court may order a reference to a committee to take depositions in the matter.

§ 553. Judgment

(a) Upon the receipt of a certified copy of the record of conviction of an attorney of a crime involving moral turpitude, the district court shall suspend the attorney until judgment in the case has become final. When judgment of conviction becomes final the court shall order the attorney suspended or disbarred.

(b) When the attorney has been found guilty of the charges made in proceedings not based upon a record of conviction, judgment shall be rendered disbaring him, suspending him from practice for a limited time, or otherwise disciplining him, according to the gravity of the offense charged.

(c) During a suspension or disbarment the attorney shall be precluded from practicing as an attorney at law or as an attorney or agent of another in and before all courts, commissions, and tribunals in the Canal Zone, and from practicing as attorney at law in any manner and from holding himself out to the public as an attorney at law. When disbarred his name shall be struck from the roll of attorneys.

§ 554. Disqualified attorney as plaintiff

During a suspension or disbarment, a person who has been an attorney may not appear on his own behalf as plaintiff in the prosecution of an action where the subject of the action has been assigned to him subsequent to the entry of the judgment of suspension or disbarment.

§ 555. Reinstatement of suspended or disbarred attorneys

The district court may reinstate suspended or disbarred attorneys in accordance with such rules governing the procedures therefor as it prescribes.

Subchapter II—Powers and Duties of Attorneys

§ 571. Who may conduct litigation

In either the district court or magistrates' courts, a person may conduct his litigation personally or by the aid of an attorney admitted to the practice of law in the Canal Zone. Other attorneys who are admitted to practice in the Supreme Court of the United States, or in the highest court of a State or any foreign country, and who are in good standing in that court, may be permitted to prosecute or defend in an action on motion of an attorney admitted to practice in the Canal Zone.

§ 572. Duties generally

Every attorney shall:

- (1) support the laws of the Canal Zone and the applicable laws of the United States;
- (2) maintain the respect due to the courts of justice and judicial officers;
- (3) counsel or maintain such actions, proceedings, or defenses only as appear to him legal or just, except the defense of a person charged with a public offense;
- (4) employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law;
- (5) maintain inviolate the confidence, and at every peril to himself, preserve the secrets, of his client;
- (6) abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;
- (7) not encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest; and
- (8) never reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.

§ 573. Authority

An attorney may:

- (1) bind his client in any of the steps of an action or proceeding by his agreement filed with the clerk, or entered upon the minutes of the court, and not otherwise; and
- (2) receive money claimed by his client in an action or proceeding during the pendency thereof, or after judgment, unless a revocation of his authority is filed, and upon the payment thereof, and not otherwise, discharge the claim or acknowledge satisfaction of the judgment.

§ 574. Change of attorney; consent; contingent fee cases

(a) The attorney in an action or special proceeding may be changed before or after judgment or final determination:

- (1) upon consent of both client and attorney, filed with the clerk, or entered upon the minutes; or
- (2) upon the order of the court, upon the application of either client or attorney, after notice from one to the other.

(b) When, under paragraph (2) of subsection (a) of this section, an attorney is changed in a civil case in which the fee or compensation of the attorney is contingent upon the recovery of money, the court shall determine the amount and terms of payment of the fee or compensation to be paid by the party.

§ 575. Notice of change

When an attorney is changed, as provided in section 574 of this title, written notice of the change and of the substitution of a new attorney, or of the appearance of the party in person, shall be given to the adverse party. Until then, he shall recognize the former attorney.

§ 576. Death or removal of attorney

When an attorney dies, or is removed or suspended, or ceases to act as such, a party to an action for whom he was acting as attorney, must, before any further proceedings are had against him, be required by the adverse party, by written notice, to appoint another attorney, or to appear in person.

§ 577. Reasonable compensation; contract for services

An attorney is not entitled to have and recover from his client more than a reasonable compensation for the services rendered, having in view the importance of the subject matter of the controversy, the extent of the services rendered, and the professional standing of the attorney. In such cases the court is not bound by the opinion of attorneys as expert witnesses as to the proper compensation, and may disregard the testimony and base its conclusion on its own professional knowledge. A written contract for services controls the amount of recovery if found by the court not to be unconscionable or unreasonable.